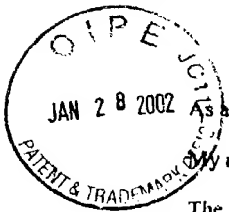


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Attorney Docket No.: 119927-1050

PATENT



DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

The below named inventors are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled REGULATABLE, CATALYTICALLY ACTIVE NUCLEIC ACIDS, the Specification of which:

is attached hereto.

X was filed, on June 14, 2001.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority

CLAIMED

Yes/No

(Number) (Country) (Date Filed)

Yes/No

(Number) (Country) (Date Filed)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Provisional Application Serial No.: 60/212,097 Filed on June 15, 2000

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

Attorney Docket No.: 119927-1050

PATENT

(Application Serial No.)	(Filing Date)	(Status)
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(Application Serial No.)	(Filing Date)	(Status)
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I hereby direct that all correspondence and telephone calls be addressed to Edwin S. Flores, Gardere Wynne Sewell, L.L.P., 1601 Elm Street, Suite 3000, Dallas, Texas 75201-4761, (214)999-3000.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Andrew D. Ellington

Inventor's Signature: Andrew P. Ellington

Date: 10/15/01 Country of Citizenship: US

Residence Address: _____ **City:** Austin **State:** Texas

Post Office Address: 2106 Elton Road

(if different from **Austin, Texas**)

residence address) 78703

$$\begin{aligned} & \left(\begin{smallmatrix} 1 & 1 & 1 \\ 1 & 1 & 1 \\ 1 & 1 & 1 \end{smallmatrix} \right)_{111} \left(\begin{smallmatrix} 1 & 1 & 1 \\ 1 & 1 & 1 \\ 1 & 1 & 1 \end{smallmatrix} \right)_{111} \left(\begin{smallmatrix} 1 & 1 & 1 \\ 1 & 1 & 1 \\ 1 & 1 & 1 \end{smallmatrix} \right)_{111} \left(\begin{smallmatrix} 1 & 1 & 1 \\ 1 & 1 & 1 \\ 1 & 1 & 1 \end{smallmatrix} \right)_{111} \left(\begin{smallmatrix} 1 & 1 & 1 \\ 1 & 1 & 1 \\ 1 & 1 & 1 \end{smallmatrix} \right)_{111} \\ & \left(\begin{smallmatrix} 1 & 1 & 1 \\ 1 & 1 & 1 \\ 1 & 1 & 1 \end{smallmatrix} \right)_{111} \left(\begin{smallmatrix} 1 & 1 & 1 \\ 1 & 1 & 1 \\ 1 & 1 & 1 \end{smallmatrix} \right)_{111} \left(\begin{smallmatrix} 1 & 1 & 1 \\ 1 & 1 & 1 \\ 1 & 1 & 1 \end{smallmatrix} \right)_{111} \left(\begin{smallmatrix} 1 & 1 & 1 \\ 1 & 1 & 1 \\ 1 & 1 & 1 \end{smallmatrix} \right)_{111} \left(\begin{smallmatrix} 1 & 1 & 1 \\ 1 & 1 & 1 \\ 1 & 1 & 1 \end{smallmatrix} \right)_{111} \end{aligned}$$

Inventor's Full Name: Jay Hesselberth

Inventor's Signature: _____

Date: 10-15-01 Country of Citizenship: US

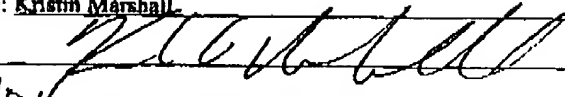
Residence Address: _____ **City:** Austin **State:** Texas

Post Office Address: 4508 Avenue C

(if different from residence address) Austin, Texas
78751

Attorney Docket No.: 119927-1050

PATENT

Inventor's Full Name: Kristin MarshallInventor's Signature: Date: 10/16/01Country of Citizenship: USResidence Address: City: Cambridge State: MACity: AustinState: TexasPost Office Address: Aberdeen

(if different from

Cambridge, MA

residence address)

02138

Attorney Docket No.: 119927-1050

PATENT

Inventor's Full Name: Letha Sooter

Inventor's Signature: *Letha Sooter*

Date: 15 Oct 01 Country of Citizenship: US

Residence Address: _____ City: Austin State: Texas


Post Office Address: 800 W. 38th Street

(if different from Austin, Texas

residence address) 78705

Attorney Docket No.: 119927-1050

PATENT

Inventor's Full Name: Eric DavidsonInventor's Signature: Date: 10/16/01 Country of Citizenship: USResidence Address: _____ City: Austin State: TexasPost Office Address: ~~2204 San Gabriel #204~~ 1003 Justin Ln #2068(if different from Austin, Texasresidence address) 78705 78757

Attorney Docket No.: 119927-1090

PATENT

Inventor's Full Name: Timothy Riedel

Inventor's Signature: Timothy R. Riedel

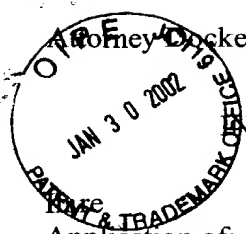
Date: Oct. 16th, 2001 Country of Citizenship: US

Residence Address: City: Austin State: Texas

Post Office Address: 4280 Purgatory Road

(if different from residence address) New Braunfels, Texas
78132

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Attorney Docket No.: 119927-1050

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Andrew D. Ellington, et al.

Serial No. 09/883,119
Filed: June 14, 2001

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Examiner: Not Yet Known
Group Art Unit: Not Yet Known
Attorney Docket No.: 119927-1050

ENTITLED: **REGULATABLE, CATALYTICALLY ACTIVE NUCLEIC ACIDS**

**ELECTION UNDER 37 C.F.R. §§ 3.71 and 3.73
AND POWER OF ATTORNEY**

BOX: ASSIGNMENT
Commissioner for Patents
and Trademarks
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints Matthew E. Burr, Reg. No. 37,591; Daniel J. Chalker, Reg. No. 40,552; Michael L. Coblenz; Reg. No. 41,492; Kenneth T. Emanuelson, Reg. No. 46,684; Edwin S. Flores, Reg. No. 38,453; Kenneth R. Glaser, Reg. No. 24,015; John Timothy Headley, Reg. No. 31,765; Todd E. Landis, Reg. No. 44,200; Michael E. Martin, Reg. No. 24,821; Carol M. Nielsen, Reg. No. 37,676; Ari O. Pramudji, Reg. No. 45,022; Kay Lyn Schwartz, Reg. No. 39,020; Theodore F. Shiells, Reg. No. 31,569; Jennifer S. Sickler, Reg. No. 36,005; Sanford E. Warren, Jr., Reg. No. 33,219; Lawrence R. Watson, Reg. No. 31,891; Thomas C. Wright, Reg. No. 47,189; each an attorney or agent of the firm of GARDERE WYNNE SEWELL LLP, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Attorney Docket No.: 119927-1050

PATENT

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Board of Regents, The University of Texas System, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Edwin S. Flores, Esq.
GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761

ASSIGNEE:

BOARD OF REGENTS,
THE UNIVERSITY OF TEXAS SYSTEM

By:

Name: Cullen M. Godfrey
Title: Vice Chancellor
and General Counsel

Date: October 24, 2001

ASSIGNMENT:

X Concurrently filed
 — Previously recorded
 Date:
 Reel:
 Frame: